



Fair Political Practices Commission

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NEWS RELEASE

For Immediate Release:
February 23, 2005

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Court upholds FPPC position on constitutionality of disclosure rules *Commission Chair praises federal court decision in pro-life case*

The U.S. District Court in Sacramento yesterday ruled in the commission's favor in a case filed by the California Pro-Life Council (CPLC) against the FPPC in 2000. The case challenged the constitutionality of disclosure rules for groups which are not exclusively political committees but engage in political activity -- such as advocating for or against ballot measures.

The 9th U.S. Circuit Court of Appeals in San Francisco had previously ruled in 2003, in the same case, that the FPPC had the ability to regulate express ballot measure activity. In that decision, the 9th Circuit directed the District Court to determine whether the state had a constitutionally sufficient reason to require the disclosure. District Court Judge Frank C. Damrell held hearings on the issue last December and issued an opinion yesterday (Feb. 22).

Damrell ruled in favor of the FPPC, finding that the State of California has a compelling state interest in requiring disclosure of certain contributions to CPLC, as well as disclosure of expenditures by CPLC to fund express ballot measure advocacy. The court also found that the challenged rules were sufficiently tailored to pass constitutional muster, concluding its opinion as follows:

"The court further finds that the regulatory scheme imposed on CPLC and groups like CPLC who engage in express ballot measure advocacy is the least restrictive means available for California to achieve its compelling interest in fully informing voters and preventing organizations from disguising their involvement in express ballot measure advocacy."

FPPC Chair Liane Randolph praised the decision, calling it "a complete victory for the FPPC and the public's right to know which contributors are supporting ballot measure activity in California."

Note to Editors: A copy of the court's decision is available on the FPPC website at www.fppc.ca.gov (go to "litigation" on the left side of the home page). Earlier press releases on the Pro-Life case are also on the Web site.

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